

RESOLUTION NUMBER R- 314629

DATE OF FINAL PASSAGE FEB 28 2023

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO SUMMARILY VACATING THE ALLEY WEST OF GEORGIA STREET AND EAST OF SOUTH ALLEY FOR PUBLIC RIGHT-OF-WAY VACATION NO. 2592174, WITH RESERVATION OF PUBLIC UTILITY EASEMENT PROJECT NO. 699360, ALSO KNOWN AS THE ECB GEORGIA VACATION PROJECT.

WHEREAS, California Streets and Highways Code section 8320 *et seq.* and San Diego Municipal Code section 125.0901 *et seq.* provide a procedure for the vacation of public rights-of-way by City Council resolution; and

WHEREAS, Steven Bossi from Atlantis Group, Applicant, filed an application to vacate 1,199 (0.023 acres) square-feet of the unnamed alley west of Georgia Street and east of the existing north-south alley, generally located within portion of Block 96 of University Heights Map made by G.A.- D'Hemecourt and recorded in Book 8, Page 36 ET Seq. of Lis Pendens, being described as Public Right-of-Way Vacation No. 2592174 (Project); and

WHEREAS, the public right-of-way, or portion of the public right-of-way, is excess public right-of-way and is not required for street or highway purposes; and

WHEREAS, the matter was set for public hearing on February 28, 2023, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that with respect to unnamed alley generally located approximately 170 feet north of the El Cajon Boulevard and Georgia Street intersection, between the structures addressed as: 1844 El Cajon Boulevard and 4328 Georgia Street, and pursuant to the requirements of San Diego Municipal Code section 125.0941, the Council finds that:

(a) There is no present or prospective use for the public right-of-way, either for the facility for which originally acquired, or for any other public use of a like nature that can be anticipated.

The project proposes to vacate approximately 1,199 square-feet of public right-of-way of an existing alley located between an existing north-south alley and Georgia Street. The existing 10-foot wide public alley, which is in the public right-of-way, is unimproved to current standard. This public right-of-way provides access from Georgia Street to the unnamed alleyway that runs north-south, mid-block on El Cajon Boulevard, between Georgia Street and Park Boulevard. The access is limited and unnecessary due to the size and unimproved nature of the public right-of-way. The vacation of this public right-of-way would not affect the adjacent properties' access as these properties take access from the north-south alley and Georgia Street. The alleyway that runs north-south would not be affected by this vacation, as would all the roadways located east-west and north-south that surround the block. There is an existing overhead SDG&E electrical

utility line with poles in the alley. As a part of this alley vacation, an easement will be processed with SDG&E to allow access to the utility line until such time the pole/SDG&E facilities are relocated or removed.

Therefore, there is no present or prospective use for the existing public right-of-way, or for the facility for which it was originally acquired, or for any other public use or a like nature that can be anticipated.

(b) The public will benefit from the action through improved use of the land made available by the vacation.

The public will benefit from the right-of-way vacation because the land made available by the vacation will allow the adjacent landowners acquiring the vacated right-of-way to incorporate the land into the current development on either side of the alley. The public will benefit from the vacation through the improved use of the lands made available by the vacation. It allows for the adjacent property owners to utilize the land and it increases the taxable land area for the public.

(c) The vacation does not adversely affect any applicable land use plan.

The vacation would allow the adjacent lots acquiring the land to be incorporated into existing commercial and residential development. The land use plan identifies the area north of the alley as Residential – Very High: 55-73 du/ac and south of the alley as Community Commercial: 0-109 du/ac. The land use plan does not identify this alley as a street or route in the mobility network, and the vacation of alley, with no development proposed, will not result in any modifications to or conflicts with that land use designation. Therefore, the proposed vacation does not adversely affect any applicable land use plan.

(d) The public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation.

The public right-of-way was originally acquired to provide a connection between Georgia Street and the existing alley to the west of the proposed vacation, and provides less than one full block of connection to an alley that is accessed from both El Cajon Boulevard at the south and Meade Avenue at the north. There is no east-west connection beyond this public right-of-way and there is no reasonable public facility that would be constructed for this public right-way. In addition, the existing overhead SDG&E electrical utility line with poles in the alley will remain accessible to SDG&E through an easement until such time the pole/SDG&E facilities are relocated or removed.

Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation.

BE IT FURTHER RESOLVED, that Public Right-of-Way Vacation No. 2592174, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 42596-B, marked as Exhibit "B," which said drawing is attached hereto and made a part hereof, is ordered vacated subject to the following condition which is made a part of the resolution:

1. Prior to recordation of the Public Right-of-Way Vacation, the Applicant shall assure, by permit and bond, the closure of the alley entrance and restoration of curb, gutter and sidewalk per City Standards on Georgia Street to the satisfaction of the City Engineer.

In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

BE IT FURTHER RESOLVED, that the City of San Diego reserves and excepts from Public Right-of-Way Vacation No. 2592174, the following easement for public utility purposes as more particularly described hereinafter:

Reserving an easement and right of way for SDG&E to erect, construct, change the size of, improve, reconstruct, relocate, repair, remove, maintain, and use facilities consisting of overhead and underground electric facilities, communication facilities and all appurtenances including necessary anchorage for the transmission and distribution of electricity and for pipelines and appurtenances, together with the right of ingress thereto and egress therefrom over said easement and over other practical routes. No building or other structure shall be permitted within the easement excepting other utility facilities that meet SDG&E's separation requirements. SDG&E's prior written consent shall be required before planting any trees or increasing/decreasing the ground elevation within the easement. Grantee shall have the right but not the duty, to trim or remove trees and brush along or adjacent to this easement and remove roots from within this easement whenever Grantee deems necessary. Said right shall not relieve Grantor of the duty as owner to trim or remove trees and brush to prevent danger or hazard to property or persons. Upon receipt of written request from Grantor, this easement will be quitclaimed by Grantee, provided that the facilities have been removed.

BE IT FURTHER RESOLVED, that the easements reserved herein are in, under, over, upon, along and across a portion of the unnamed alley west of Georgia Street and east of the existing north-south alley, generally located within portion of Block 96 of University Heights Map made by G.A.- D'Hemecourt and recorded in Book 8, Page 36 ET Seq. of Lis Pendens,

vacated by this Document and as more particularly described in the legal description marked Exhibit "A" and shown on Drawing 42596-B, marked as Exhibit "B."

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the Office of the County Recorder.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Noah J. Brazier
Deputy City Attorney

NJB:nja
02/07/2023
02/28/2023 Cor. Copy
Or. Dept: DSD
Doc. No. 3214238

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of FEB 28 2023.

DIANA J.S. FUENTES
City Clerk

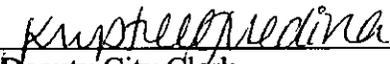
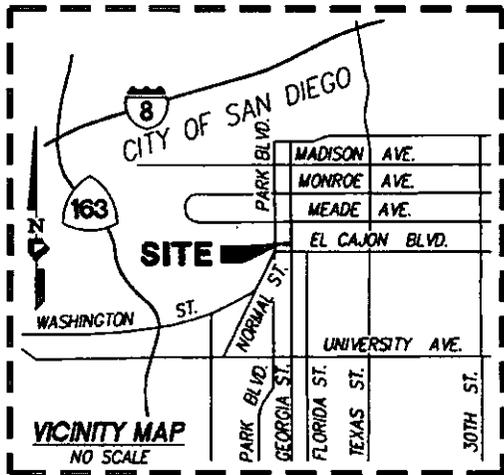
By  _____
Deputy City Clerk

EXHIBIT 'B'



LEGEND

- INDICATES ALLEY VACATED HEREON, AND RESERVING THEREFROM AN EASEMENT TO SAN DIEGO GAS & ELECTRIC COMPANY
AREA = 1199.78 SQ. FT. (0.028 AC.) MORE OR LESS
- INDICATES FOUND LEAD & DISC STAMPED "L.S. 7019" AT 7' OFFSET IN CONCRETE WALK PER ROS 23088.
- INDICATES FOUND LEAD & DISC STAMPED "LS 5653" NO RECORD. ACCEPTED AS REPLACEMENT FOR LEAD & DISC STAMPED "CITY ENGR" SET PER CR 1789 AND HELD AS 7'X7' OFFSET TO BLOCK CORNER.
- INDICATES FOUND LEAD & DISC STAMPED "SD CITY SURVEYOR" PER CR 37107. HELD AS 7'X7' OFFSET TO BLOCK CORNER.
- INDICATES MEASURED & RECORD DATA PER ROS 23088
- INDICATES MEASURED & RECORD DATA PER DOC. NO. 2019-0484839, REC. OCTOBER 25, 2019, O.R.
- INDICATES EXISTING RIGHT OF WAY
- INDICATES EXISTING CENTERLINE
- INDICATES LOT LINE
- INDICATES PUBLIC ALLEY EASEMENT GRANTED TO CITY OF SAN DIEGO, RECORDED OCTOBER 25, 2019, AS DOCUMENT NO. 2019-0484839, O.R. SEE CITY DRAWING 41427-B.

ASSESSOR'S PARCEL NO.'S

- 445-321-01
- 445-321-02

REFERENCE DRAWINGS

- MAP NO. 890
- MAP NO. 558
- MAP NO. 15345
- ROS NO. 23088
- DWG. NO. 41427-B
- DWG. NO. 41597-D
- DWG. NO. 41712-B
- DWG. NO. 41711-B
- DWG. NO. 42436-B

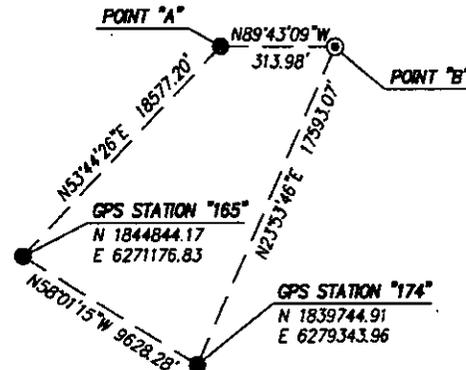
BASIS OF BEARINGS

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 6, EPOCH 1991.35 GRID BEARING BETWEEN FIRST ORDER POINTS "174" AND "165" AS SHOWN HEREON PER ROS 14492. SEE SAID ROS 14492 FOR MONUMENT DESCRIPTIONS.

I.E., NORTH 58°01'15" WEST

DISTANCES SHOWN HEREON ARE GROUND DISTANCES. TO OBTAIN GRID LEVEL DISTANCES, MULTIPLY DISTANCES BY 1.0000177. QUOTED BEARINGS FROM REFERENCE DEEDS/MAPS MAY OR MAY NOT BE IN TERMS OF SAID SYSTEM.

ELEVATION AT G.P.S. STATION 174 IS 9.17 N.G.V.D. 29. SEE DETAIL AT RIGHT



BASIS OF BEARINGS DETAIL
NO SCALE (SEE ROS 23088)

PROJECT DESIGN CONSULTANTS

701 B Street, Suite 800 San Diego, CA 92101
819.285.6471 Tel 819.234.0349 Fax

Gary L. Hus 10-17-2022
GARY L. HUS, L.S. 7019 DATE



RESOLUTION No. _____
RECORDED _____
DOCUMENT No. _____
RECORDED _____

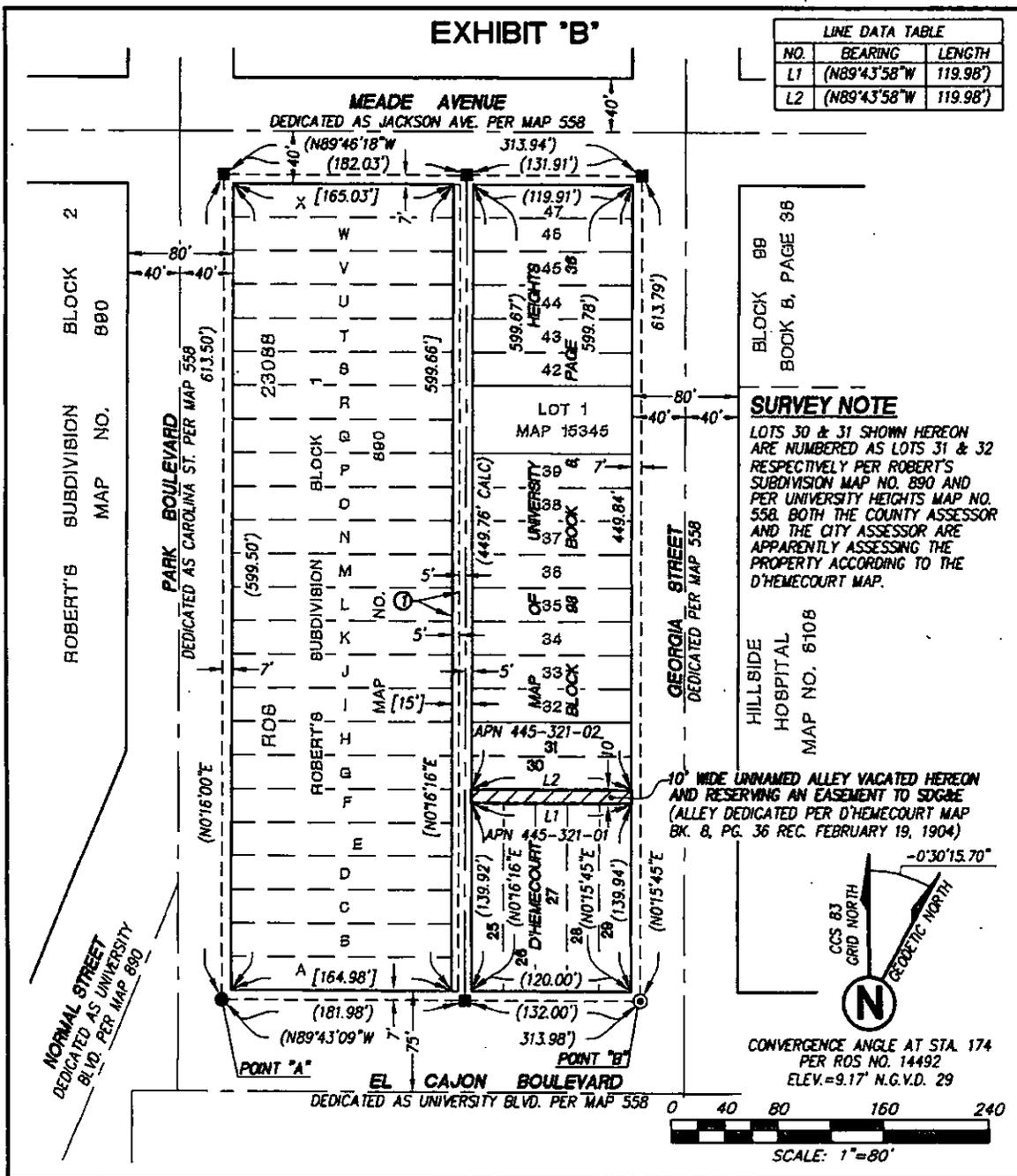
ALLEY VACATION

WITHIN PORTION OF BLOCK 98 OF UNIVERSITY HEIGHTS MAP MADE BY G.A. D'HEMERCOURT AND RECORDED IN BOOK 8, PAGE 36 ET SEQ. OF LIS PENDENS

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	PTS
ORIGINAL	PDC				SHEET 1 OF 2 SHEETS	PTS 699360
						LO. 24009157
					FOR CITY LAND SURVEYOR	1854-6283
					DATE	CCS83 COORDINATES
						214-1723
						LAMBERT COORDINATES
STATUS					42596-1-B	B001

EXHIBIT 'B'

LINE DATA TABLE		
NO.	BEARING	LENGTH
L1	(N89°43'58"W	119.98'
L2	(N89°43'58"W	119.98'



SURVEY NOTE
LOTS 30 & 31 SHOWN HEREON ARE NUMBERED AS LOTS 31 & 32 RESPECTIVELY PER ROBERT'S SUBDIVISION MAP NO. 890 AND PER UNIVERSITY HEIGHTS MAP NO. 558. BOTH THE COUNTY ASSESSOR AND THE CITY ASSESSOR ARE APPARENTLY ASSESSING THE PROPERTY ACCORDING TO THE D'HEMECOURT MAP.

PROJECT DESIGN CONSULTANTS
701 B Street, Suite 800 San Diego, CA 92101
619.235.6471 Tel 619.234.0349 Fax

ALLEY VACATION				
WITHIN PORTION OF BLOCK 98 OF UNIVERSITY HEIGHTS MAP MADE BY G.A. D'HEMECOURT AND RECORDED IN BOOK 8, PAGE 38 ET SEQ. OF LIS PENDENS				
DESCRIPTION	BY	APPROVED	DATE	FILMED
ORIGINAL	PDC			
				CITY OF SAN DIEGO, CALIFORNIA
				SHEET 2 OF 2 SHEETS
				PTS 699360
				L.O. 24009157
				1854-6283
				CCS83 COORDINATES
				214-1723
				LAMBERT COORDINATES
STATUS			42596-2-B	B001

Passed by the Council of The City of San Diego on FEB 28 2023, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 28 2023.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES
Interim City Clerk of The City of San Diego, California.

By *Juanita Medina*, Deputy

Office of the City Clerk, San Diego, California

314629

Resolution Number R-_____